REMARKS

The present invention relates to dihydrodipyrazolopyridinone compounds of formula I, and the therapeutic use thereof for the treatment of an immune disorder related to or affected by the immune regulatory protein B7-1.

Claims 1-20 are pending in this application. Claims 10-14 have been cancelled. Claims 1, 2, 4, 15 and 20 have been amended.

Examiner has maintained the Restriction Requirement. Applicants have elected with traverse the invention of Group I, claims 1-9 and 15-20 directed toward compounds and compositions. Applicants have cancelled the non-elected subject matter, Claims 10-14. Applicants reserve the right to file a divisional application directed toward the non-elected subject matter of Claims 10-14.

Claims 1-9 and 15-19 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Examiner feels that in independent claims 1 and 15, and the corresponding dependent claims, the terms "heteroaryl" and "cycloheteroalkyl" as used in the definitions of R_2, R_3, R_6-R_{14} and R_{17}-R_{26} are indefinite because the size of the ring and number and specific heteroatoms in the heteroaryl ring are not recited. Examiner also feels the term "stereoisomers" is indefinite since a specific stereoisomer is not recited or exemplified.

Applicants respectfully traverse the rejection. The terms "cycloheteroalkyl" and "heteroaryl" are clearly defined in the detailed description of the specification on page 6, lines14-26. These definitions are very explicit and particularly point out the size of the ring and the number and types of heteroatoms present. The structural illustrations of the cycloheteroalkyl ring systems include specific examples of the number and size of the rings and number and nature of the heteroatoms intended. Further, Applicants have amended claims 1, 2, 4, 15 and 20 to more clearly point out and distinctly define the terms "cycloheteroalkyl" and "heteroaryl", in accordance with Examiner's request. Support for this amendment is found in the specification on page 6, lines 14-26. Applicants believe no new matter has been added by this amendment. The term "stereoisomers" is clearly defined in the specification on page 8, lines 1-10. However, while not implying any agreement with Examiner's rejection and in order to advance prosecution, Applicants have amended claims 1, 15 and 20, in the manner suggested by Examiner, to delete the term "stereoisomers". In view of the above amendments, Applicants believe the rejection under 35 U.S.C. §112, second paragraph has been overcome.

Claims 1-7 and 15-20 have been rejected under 35 U.S.C. §102(a) as being anticipated by Erbe (J. Biol. Chem., 2002, 277(9), 7363-7368). Examiner points out that certain of the compounds disclosed by Erbe are encompassed by the instant claims.

Applicants respectfully traverse the rejection. Applicants file herewith a Declaration under 37 CFR §1.131 by co-inventors, Jason Shaoyun Xiang and Gary Paul Stack. The Declaration shows that the invention was reduced to practice prior to March 1, 2002, the effective publication date of the cited reference, Erbe, J. Biol. Chem., 2002, 277(9), 7363-7368. Applicants submit that the Declaration under 37 CFR §1.131 overcomes this rejection of anticipation under 35 USC §102(a).

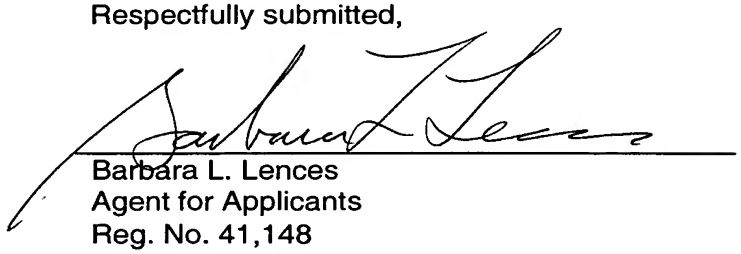
Claims 1-6, 8, 9 and 15-18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 15-19 of U.S. Patent No. 6,734,190 in view of Cai (US 6,635,633) and/or Kawai (US 6,121,257).

Applicants submit herewith a Terminal Disclaimer over U. S. Patent No. 6,734,190. Applicants believe the enclosed Terminal Disclaimer overcomes the double patenting rejection.

Applicants submit all of the claims of the present application are now in condition for allowance. Applicants respectfully request the Examiner to enter the above amendments, consider the above remarks, withdraw the rejections and allow the application.

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,



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